IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

CRP.No. 473 of 2003(E)

IA.386/2000 in A.S. 24/2000 of SUB COURT, PALA
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REVN. PETITIONER: PETITIONER
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1. KERALA STATE REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM.

2. ASSISTANT EXCISE COMMISSIONER, KOTTAYAM

3. EXCISE INSPECTOR, ERATTUPETTA RANGE, ERATTUPETTA.

4. TAHSILDAR, MEENACHIL, PALA.

5. DEPUTY TAHSILDAR (RR) TALUK OFFICE, MEENACHIL, PALA.

BY GOVERNMENT PLEADER – ADV. SMT.SMITHA

RESPONDENTS: RESPONDENT

P.G.JAGANNIVASAN, AGED 38,
S/O. GOPALAN, PIDIKAPPARAMBIL,
KEZHUVAMKULAM KARA, PULIYANNOOR VILLAGE,
MEENACHIL TALUK.

BY ADV. SRI.P.BABU KUMAR
SRI.C.K.MOHANAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

CRP No. 473 OF 2003

Dated this the 1st day of February, 2007

O R D E R

This CRP is filed by the State, challenging the order of dismissal of application filed for condonation of delay of 125 days in filing the appeal against the judgment and decree of the Munsiff Court, granting injunction against the State from recovering balance kist arrears through Revenue Recovery proceedings from the respondent for the year 1992-93. It is contended by the counsel for the respondent, that inspite of injunction he was compelled to pay the disputed amount for participating in the next year's auction. Therefore, the CRP has become infructuous as payment is already made. The respondent is challenging the demand and recovery of the balance kist arrears and seeking refund of the amount paid, in O.P. 32326/02, which is still pending in this court. In view of the pendency of the above O.P., the CRP filed by the State is closed leaving freedom to the State to sustain the kist arrears demanded in the pending OP.

C.N.RAMACHANDRAN NAIR, JUDGE

jg